

State of Illinois 91st General Assembly Final Senate Journal

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FIRST GENERAL ASSEMBLY

92ND LEGISLATIVE DAY

THURSDAY, MARCH 30, 2000

12:00 O'CLOCK NOON

No. 92

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The Senate met pursuant to adjournment.
Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.
Prayer by Dr. Patrick Pajak, Tabernacle Baptist Church, Decatur, Illinois.

Senator Radogno led the Senate in the Pledge of Allegiance.

Senator Myers moved that reading and approval of the Journals of Tuesday, March 28, 2000 and Wednesday, March 29, 2000 be postponed pending arrival of the printed Journals.

The motion prevailed.

REPORTS FROM STANDING COMMITTEES

Senator Lauzen, Chairperson of the Committee on Commerce and

Industry to which was referred **House Bill No. 3138** reported the same back with the recommendation that the bill do pass.

Under the rules, the bill was ordered to a second reading.

Senator Klemm, Chairperson of the Committee on Executive to which was referred **House Bills numbered 709, 2899, 4258 and 4260** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Klemm, Chairperson of the Committee on Executive to which was referred **House Bills numbered 2884, 3073 and 3588** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator O'Malley, Chairperson of the Committee on Financial Institutions to which was referred **House Bills numbered 3286 and 3838** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred **House Bills numbered 1785, 2979 and 4698** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred **House Bill No. 4300** reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Burzynski, Chairperson of the Committee on Licensed Activities to which was referred **House Bill No. 3928** reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Peterson, Chairperson of the Committee on Revenue to which was referred **House Bills numbered 1324 and 3240** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Peterson, Chairperson of the Committee on Revenue to which was referred **House Bills numbered 4020 and 4431** reported the

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same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator T. Walsh, Chairperson of the Committee on State Government Operations to which was referred **House Bills numbered 4022**

and 4124 reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 333

Offered by Senator Lauzen and all Senators:
Mourns the death of Paul J. Reuland.

SENATE RESOLUTION NO. 334

Offered by Senator Lauzen and all Senators:
Mourns the death of Patricia A. Paull of Aurora.

The foregoing resolutions were referred to the Resolutions Consent Calendar.

Senator Syverson offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 335

WHEREAS, The federal Food, Drug and Cosmetic (FDC) Act of 1938, for the first time, required a manufacturer to prove the safety of a drug before it could be marketed; and

WHEREAS, The 1962 Kefauver-Harris Drug Amendments to the Act tightened the federal Food and Drug Administration's control over drugs by requiring drug manufacturers to prove not only safety, but also effectiveness; and

WHEREAS, This requirement was applied retroactively to 1938, when the FDC Act was passed, and all US-marketed drugs approved solely for safety were to be further evaluated by the FDA for effectiveness; and

WHEREAS, The FDA now reviews generic drugs approved for safety and efficacy to evaluate their bioequivalence and therapeutic equivalence to reference innovator products and publishes such evaluations in a listing commonly referred to as the "Orange Book"; and

WHEREAS, Pre-1938 drugs were "grandfathered" - allowed to be sold because they were generally recognized as safe and effective, provided no evidence to the contrary developed; and

WHEREAS, Certain drugs marketed between 1938 and 1962 have also been allowed to remain legally marketed in the US, under the presumption of being generally recognized as safe while further evidence of efficacy is developed, under the provisions of the FDA's Drug Efficacy Implementation Study (DESI); and

WHEREAS, Grandfathered drugs and DESI drugs are not listed in the FDA's "Orange Book; and

WHEREAS, Concerned about rising costs of prescription medications and the safety of generic medications, in 1977, the Illinois General Assembly created the Technical Advisory Council within the Department of Public Health to establish a formulary of medications acceptable for substitution in Illinois; and

WHEREAS, Today the General Assembly remains concerned about the

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increasing price of prescription medications and the safety of medication substitution; and

WHEREAS, The Illinois General Assembly believes that the Technical Advisory Council, in keeping with its mission to help reduce costs and ensure safety, has authority to review and approve generic substitutions for pre-1938 and DESI (non-"Orange Book") medications, and to issue rules and regulations regarding such substitution; and

WHEREAS, The Technical Advisory Council has capably demonstrated its ability to review non "Orange Book" drugs as evidenced its inclusion of over forty generic drug entities in the Illinois Formulary for pharmacists' substitution; therefore be it

RESOLVED, BY THE SENATE OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, That the Illinois State Senate encourages the Illinois Department of Public Health and the Technical Advisory Council to promulgate rules and regulations regarding the substitution of prescriptions for pre-1938 and DESI (non "Orange Book") medications; and be it further

RESOLVED, That a suitable copy of this preamble and resolution be presented to the Director of Public Health.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1284

A bill for AN ACT to amend the Voluntary Payroll Deductions Act of 1983.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1284

Passed the House, as amended, March 29, 2000.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1284

AMENDMENT NO. 1. Amend Senate Bill 1284 by replacing the title with the following:

"AN ACT in relation to voluntary contributions."; and
by replacing everything after the enacting clause with the following:
"Section 5. The Voluntary Payroll Deductions Act of 1983 is amended by changing Sections 2, 3, 4, 5, and 8 and adding Section 4.5 as follows:

(5 ILCS 340/2) (from Ch. 15, par. 502)

Sec. 2. Public policy. It is the public policy of this State and the objective of this Act to lessen the burdens of State government and of local communities in meeting needs of human health and

welfare; to provide a convenient channel through which State employees and State annuitants ~~public servants~~ may contribute to these efforts; to minimize or eliminate disruption of the State workplace and costs to State taxpayers that such fund-raising may entail; to serve needs of human health and welfare; and to ensure that recipient organizations are responsible in the uses of the

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moneys so raised.

(Source: P.A. 90-487, eff. 8-17-97.)

(5 ILCS 340/3) (from Ch. 15, par. 503)

Sec. 3. Definitions. As used in this Act unless the context otherwise requires:

(a) "Employee" means any regular officer or employee who receives salary or wages for personal services rendered to the State of Illinois, and includes an individual hired as an employee by contract with that individual.

(b) "Qualified organization" means an organization representing one or more benefiting agencies, which organization is designated by the State Comptroller as qualified to receive payroll deductions under this Act. An organization desiring to be designated as a qualified organization shall:

(1) Submit written designations on forms approved by the State Comptroller by 4,000 or more employees or State annuitants, in which such employees or State annuitants indicate that the organization is one for which the employee or State annuitant intends to authorize withholding. The forms shall require the name, social security number, and employing State agency for each employee. Upon notification by the Comptroller that such forms have been approved, the organization shall, within 30 days, notify in writing the Governor or his or her designee of its intention to obtain the required number of designations. Such organization shall have 12 months from that date, to obtain the necessary designations. The signed forms and signatures on the forms shall be subject to verification by the State Comptroller;

(2) Certify that all benefiting agencies are tax exempt under Section 501(c)(3) of the Internal Revenue Code;

(3) Certify that all benefiting agencies are in compliance with the Illinois Human Rights Act;

(4) Certify that all benefiting agencies are in compliance with the Charitable Trust Act and the Solicitation for Charity Act;

(5) Certify that all benefiting agencies actively conduct health or welfare programs and provide services to individuals directed at one or more of the following common human needs within a community: service, research, and education in the health fields; family and child care services; protective services for children and adults; services for children and adults in foster care; services related to the management and maintenance of the home; day care services for adults; transportation services; information, referral and counseling services; services to eliminate illiteracy; the preparation and delivery of meals; adoption services; emergency shelter care and

relief services; disaster relief services; safety services; neighborhood and community organization services; recreation services; social adjustment and rehabilitation services; health support services; or a combination of such services designed to meet the special needs of specific groups, such as children and youth, the ill and infirm, and the physically handicapped; and that all such benefiting agencies provide the above described services to individuals and their families in the community and surrounding area in which the organization conducts its fund drive, or that such benefiting agencies provide relief to victims of natural disasters and other emergencies on a where and as needed basis;

(6) Certify that the organization has disclosed the percentage of the organization's total collected receipts from employees or State annuitants that are distributed to the

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benefiting agencies and the percentage of the organization's total collected receipts from employees or State annuitants that are expended for fund-raising and overhead costs. These percentages shall be the same percentage figures annually disclosed by the organization to the Attorney General. The disclosure shall be made to all solicited employees and State annuitants and shall be in the form of a factual statement on all petitions and in the campaign's brochures for employees and State annuitants ~~employee brochure~~;

(7) Certify that all benefiting agencies receiving funds which the employee or State annuitant has requested or designated for distribution to a particular community and surrounding area use a majority of such funds distributed for services in the actual provision of services in that community and surrounding area;

(8) Certify that neither it nor its member organizations will solicit State employees for contributions at their workplace, except pursuant to this Act and the rules promulgated thereunder. Each qualified organization, and each participating United Fund, is encouraged to cooperate with all others and with all State agencies and educational institutions so as to simplify procedures, to resolve differences and to minimize costs;

(9) Certify that it will pay its share of the campaign costs and will comply with the Code of Campaign Conduct as approved by the Governor or other agency as designated by the Governor; and

(10) Certify that it maintains a year-round office, the telephone number, and person responsible for the operations of the organization in Illinois. That information shall be provided to the State Comptroller at the time the organization is seeking participation under this Act.

Each qualified organization shall submit to the State Comptroller between January 1 and March 1 of each year, a statement that the organization is in compliance with all of the requirements set forth in paragraphs (2) through (10). The State Comptroller shall exclude any organization that fails to submit the statement from the next

solicitation period.

In order to be designated as a qualified organization, the organization shall have existed at least 2 years prior to submitting the written designation forms required in paragraph (1) and shall certify to the State Comptroller that such organization has been providing services described in paragraph (5) in Illinois. If the organization seeking designation represents more than one benefiting agency, it need not have existed for 2 years but shall certify to the State Comptroller that each of its benefiting agencies has existed for at least 2 years prior to submitting the written designation forms required in paragraph (1) and that each has been providing services described in paragraph (5) in Illinois.

Organizations which have met the requirements of this Act shall be permitted to participate in the State and Universities Combined Appeal as of January 1st of the year immediately following their approval by the Comptroller.

Where the certifications described in paragraphs (2), (3), (4), (5), (6), (7), (8), (9), and (10) above are made by an organization representing more than one benefiting agency they shall be based upon the knowledge and belief of such qualified organization. Any qualified organization shall immediately notify the State Comptroller in writing if the qualified organization receives information or otherwise believes that a benefiting agency is no longer in compliance with the certification of the qualified organization. A

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qualified organization representing more than one benefiting agency shall thereafter withhold and refrain from distributing to such benefiting agency those funds received pursuant to this Act until the benefiting agency is again in compliance with the qualified organization's certification. The qualified organization shall immediately notify the State Comptroller of the benefiting agency's resumed compliance with the certification, based upon the qualified organization's knowledge and belief, and shall pay over to the benefiting agency those funds previously withheld.

The Comptroller shall, by February 1st of each year, so notify any qualified organization that failed to receive at least 500 payroll deduction pledges during each immediately preceding solicitation period as set forth in Section 6. The notification shall give such qualified organization until March 1st to provide the Comptroller with documentation that the 500 deduction requirement has been met. On the basis of all the documentation, the Comptroller shall, by March 15th of each year, submit to the Governor or his or her designee, or such other agency as may be determined by the Governor, a list of all organizations which have met the 500 payroll deduction requirement. Only those organizations which have met such requirements, as well as the other requirements of this Section, shall be permitted to solicit State employees or State annuitants for voluntary contributions, and the Comptroller shall discontinue withholding for any such organization which fails to meet these requirements.

(c) "United Fund" means the organization conducting the single, annual, consolidated effort to secure funds for distribution to

agencies engaged in charitable and public health, welfare and services purposes, which is commonly known as the United Fund, or the organization which serves in place of the United Fund organization in communities where an organization known as the United Fund is not organized.

In order for a United Fund to participate in the State and Universities Employees Combined Appeal, it shall comply with the provisions of paragraph (9) of subsection (b).

(d) "State and Universities Employees Combined Appeal" (~~SECA~~), otherwise known as "SECA", means the State-directed joint effort of all of the qualified organizations, together with the United Funds, for the solicitation of voluntary contributions from State and University employees and State annuitants.

(e) "Retirement system" means any or all of the following: the General Assembly Retirement System, the State Employees' Retirement System of Illinois, the State Universities Retirement System, the Teachers' Retirement System of the State of Illinois, and the Judges Retirement System.

(f) "State annuitant" means a person receiving an annuity or disability benefit under Article 2, 14, 15, 16, or 18 of the Illinois Pension Code.

(Source: P.A. 90-487, eff. 8-17-97; 91-357, eff. 7-29-99; 91-533, eff. 8-13-99.)

(5 ILCS 340/4) (from Ch. 15, par. 504)

Sec. 4. Employee withholding. An employee may authorize the withholding of a portion of his or her salary or wages for contribution to a maximum number of 4 organizations described in paragraphs (b) and (c) of Section 3 of this Act. A department, board, body, agency or commission may direct the State Comptroller to deduct, and the University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, and Western Illinois

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University may deduct, upon written request of a State employee, for each regular payroll period, from the salary or wages of the employee the amount specified in the written request for payment to the organization designated by the employee. The moneys so deducted shall be paid over promptly to the organizations designated by the employee by means of warrants drawn by the State Comptroller, the University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, and Western Illinois University, against the appropriation for personal services of the department, board, body, agency or commission by which such employee is employed.

Such deductions may be made notwithstanding that the compensation paid in cash to such employee is thereby reduced below the minimum prescribed by law. Payment to such employee of compensation less such deduction shall constitute a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such employee during the period covered by such payment.

Such request for deduction may be withdrawn at any time by filing a written notification of withdrawal with the department, board, body, agency or commission, the University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, or Western Illinois University, by which such employee is employed. (Source: P.A. 89-4, eff. 1-1-96.)

(5 ILCS 340/4.5 new)

Sec. 4.5. State annuitant withholding. A State annuitant may authorize the withholding of a portion of his or her annuity or disability benefit for contribution to a maximum of 4 organizations described in paragraphs (b) and (c) of Section 3 of this Act. Upon written request of a State annuitant, a retirement system may deduct or direct the State Comptroller to deduct from the annuity or disability benefit of the State annuitant the amount specified in the written request for payment to the organization designated by the State annuitant. The retirement system may determine the timing for the deductions based on the retirement system's benefit processing schedule. The moneys so deducted shall be paid over promptly to the organizations designated by the State annuitant by means of warrants drawn by the retirement system or the State Comptroller against the fund from which the State annuitant is receiving his or her annuity or disability benefit.

Withholding under this Section may be terminated by the State annuitant at any time by filing a written direction with the retirement system.

Each retirement system may promulgate rules regarding the administration of this Section with respect to persons receiving an annuity or disability benefit from the retirement system.

(5 ILCS 340/5) (from Ch. 15, par. 505)

Sec. 5. Rules; Advisory Committee. The State Comptroller shall promulgate and issue reasonable rules and regulations as deemed necessary for the administration of this Act.

However, all solicitations of State employees for contributions at their workplace and all solicitations of State annuitants for contributions shall be in accordance with rules promulgated by the Governor or his or her designee or other agency as may be designated by the Governor. All solicitations of State annuitants for contributions shall also be in accordance with the rules promulgated by the applicable retirement system.

The rules promulgated by the Governor or his or her designee or

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other agency as designated by the Governor shall include a Code of Campaign Conduct that all qualified organizations and United Funds shall subscribe to in writing, sanctions for violations of the Code of Campaign Conduct, provision for the handling of cash contributions, provision for an Advisory Committee, provisions for the allocation of expenses among the participating organizations, an organizational plan and structure whereby responsibilities are set forth for the appropriate State employees or State annuitants and the participating organizations, and any other matters that are necessary

to accomplish the purposes of this Act.

The Governor or the Governor's designee shall promulgate rules to establish the composition and the duties of the Advisory Committee. The Governor or the Governor's designee shall make appointments to the Advisory Committee. The powers of the Advisory Committee shall include, at a minimum, the ability to impose the sanctions authorized by rule. Each State agency and each retirement system shall file an annual report that sets forth, for the prior calendar year, (i) the total amount of money contributed to each qualified organization and united fund through both payroll deductions and cash contributions, (ii) the number of employees or State annuitants who have contributed to each qualified organization and united fund, and (iii) any other information required by the rules. The report shall not include the names of any contributing or non-contributing employees or State annuitants ~~employee~~. The report shall be filed with the Advisory Committee no later than March 15 ~~of each year for the solicitation period immediately preceding the report~~. The report shall be available for inspection.

Other constitutional officers, retirement systems, the University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, and Western Illinois University shall be governed by the rules promulgated pursuant to this Section, unless such entities adopt their own rules governing solicitation of contributions at the workplace.

All rules promulgated pursuant to this Section shall not discriminate against one or more qualified organizations or United Funds.

(Source: P.A. 89-4, eff. 1-1-96; 90-799, eff. 6-1-99.)

(5 ILCS 340/8)

Sec. 8. Reports.

(a) The Comptroller shall annually prepare a report on the number of State and university employees and State annuitants who have contributed to qualified organizations and united funds under this Act during the prior calendar year. The report shall set forth (i) the number of payroll deductions received by each qualified organization and united fund, (ii) the total amount of the contributions received by each qualified organization and united fund, and (iii) the State agencies, and universities, and retirement systems from which the contributions were received. The report shall be prepared no later than April 1 of each year and shall be available to the public upon request.

(b) By March 1 of each year, each university shall submit to the Comptroller a report containing the information required for the preparation of the Comptroller's report under subsection (a) with respect to that university and its employees.

(c) By March 1 of each year, each retirement system shall submit to the Comptroller a report containing the information required for the preparation of the Comptroller's report under subsection (a) with respect to that retirement system and its participating State

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annuitants. The Comptroller may waive this reporting requirement for any retirement system if the Comptroller performs the retirement processing for the retirement system.

(Source: P.A. 90-799, eff. 6-1-99.)

Section 99. Effective date. This Act takes effect upon becoming law."

Under the rules, the foregoing **Senate Bill No. 1284**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO 1294

A bill for AN ACT to amend the Forest Preserve Zoological Parks Act by changing Section 1.

SENATE BILL NO 1297

A bill for AN ACT to amend the Illinois Notary Public Act by changing Sections 2-101, 2-102, 2-106, 3-105, and 4-101.

SENATE BILL NO 1326

A bill for AN ACT to amend the Illinois Income Tax Act by changing Section 201.

SENATE BILL NO 1338

A bill for AN ACT in relation to State finance.

SENATE BILL NO 1398

A bill for AN ACT to amend the Animal Welfare Act.

SENATE BILL NO 1498

A bill for AN ACT in relation to fines for driving under the influence of alcohol or drugs.

SENATE BILL NO 1510

A bill for AN ACT concerning Lyme disease.

SENATE BILL NO 1617

A bill for AN ACT concerning automobile insurance coverage.

SENATE BILL NO 1630

A bill for AN ACT to amend the Illinois Vehicle Code by changing Section 2-118.

SENATE BILL NO 1657

A bill for AN ACT to amend the Illinois Health Finance Reform Act by changing Sections 2-1, 4-1, 4-2, 4-3, and 4-5.

Passed the House, March 29, 2000.

ANTHONY D. ROSSI, Clerk of the House

At the hour of 12:30 o'clock p.m., Senator Karpiel presiding.

REPORTS FROM RULES COMMITTEE

Senator Weaver, Chairperson of the Committee on Rules, during its March 30, 2000 meeting, reported the following Senate Resolutions have been assigned to the indicated Standing Committees of the Senate:

Education: **Senate Joint Resolution No. 66.**

Executive: **Senate Joint Resolution No. 69; Senate Resolution No. 292.**

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Senator Weaver, Chairperson of the Committee on Rules, during its March 30, 2000 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Judiciary: **Senate Amendment No. 2 to House Bill 730; Senate Amendment No. 1 to House Bill 3082; Senate Amendment No. 1 to House Bill 3465.**

Licensed Activities: **Senate Amendment No. 1 to House Bill 3455.**

Senator Weaver, Chairperson of the Committee on Rules, reported that the following Legislative Measures have been approved for consideration:

Senate Amendment 2 to House Bill 2997
Senate Amendment 2 to House Bill 3312

The foregoing floor amendments were placed on the Secretary's Desk.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Cronin, **House Bill No. 2067** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Education, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2067 by replacing the title with the following:

"AN ACT to amend the School Code by adding Sections 10-20.34 and 34-18.21."; and

by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by adding Sections 10-20.34 and 34-18.21 as follows:

(105 ILCS 5/10-20.34 new)

Sec. 10-20.34. Medicaid-eligible children; health care resources. As authorized by federal law, a school district may access federally funded health care resources if the school district provides early periodic screening and diagnostic testing services, including screening and diagnostic services, health care and treatment, preventive health care, or any other measure, to correct or improve health impairments of Medicaid-eligible children.

(105 ILCS 5/34-18.21 new)

Sec. 34-18.21. Medicaid-eligible children; health care resources. As authorized by federal law, the school district may access federally funded health care resources if the school district

provides early periodic screening and diagnostic testing services, including screening and diagnostic services, health care and treatment, preventive health care, or any other measure, to correct or improve health impairments of Medicaid-eligible children.

Section 99. Effective date. This Act takes effect upon becoming law."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Rauschenberger, **House Bill No. 2130** having been printed, was taken up and read by title a second time.

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The following amendment was offered in the Committee on Local Government, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2130 by replacing the title with the following:

"AN ACT concerning fire protection districts."; and by replacing everything after the enacting clause with the following:

"Section 5. The Fire Protection District Act is amended by changing Section 21 as follows:

(70 ILCS 705/21) (from Ch. 127 1/2, par. 38.4)

Sec. 21. The territory of a fire protection district within the limits of any city, village or incorporated town may be disconnected from the district in the manner hereinafter provided; (1) if more than 50% of the total territory of the fire protection district is within the limits of the same city, village or incorporated town filing the petition for disconnection; (2) if such municipality, prior to the filing of a petition to disconnect, assumes by ordinance all the bonded indebtedness and other debts of the fire protection district; and, (3) if such municipality, prior to the filing of such petition, assumes by ordinance the obligation of providing fire protection service to the remaining territory of the fire protection district equivalent to the service being rendered by such district.

The municipality containing more than 50% of the fire protection district's territory may file a petition for disconnection in the circuit court of the county where the district was organized, setting forth: the description of the territory sought to be disconnected; that such territory consists of more than 50% of the total territory of the fire protection district; and that the necessary municipal ordinances have been passed to assume the indebtedness of the fire protection district and the obligation of furnishing equivalent fire protection service for the remaining territory of such district.

Upon the filing of the petition, the court shall set a day for hearing, not less than ~~4~~ 2 weeks nor more than ~~8~~ 4 weeks from the date of filing thereof, and the court, or the clerk or sheriff upon order of the court, shall give a 21 ~~10~~ day notice of the ~~such~~ hearing in one or more daily or weekly newspapers of general circulation in the county, or in each county, wherein the district is organized and by posting at least 10 copies of the notice in conspicuous places in

the district. The notice must describe the proposed disconnection and must state that the disconnection will occur if the conditions required by this Section are met unless a petition signed by no fewer than 1% of the registered voters in the district is filed requesting that the question of disconnection be submitted to the voters of the district is filed with the court at or before the hearing. The clerk of the court must provide a petition form to any individual requesting one. All property owners in the district and all persons interested therein, may file objections, and at the hearing may appear and contest the requested disconnection and the matters averred in the petition, and both objectors and petitioners may offer any competent evidence in regard thereto. If the court shall, upon hearing the petition, finds find that any of the conditions in this Section herein required for the disconnection do not exist, it shall enter an order dismissing the petition. ,—but If the petition satisfies the such conditions and no petition requesting a referendum to filed with the court, the court it shall enter the appropriate order for disconnection. If, however, at or before the hearing a petition is filed with the court, signed by no fewer than 1% of the registered voters in the district, asking that the question of disconnection be submitted to the voters of the district, the court

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shall certify the question to the proper election authority, which shall submit the question at an election in accordance with the Election Code.

The question shall be submitted in substantially the following form:

Shall the territory of the (name of district) located in (name of municipality) be disconnected from the district and the responsibility for fire protection in the entire district be transferred to (name of municipality)?

The votes shall be recorded as "Yes" or "No".

If a majority of the voters voting on the question vote in the affirmative, the court shall enter an order of disconnection. If a majority of the voters voting on the question vote in the negative, the court shall dismiss the petition and no petition seeking disconnection may be filed for a period of 3 years after the court enters its order dismissing the petition.

The provisions of this amendatory Act of the 91st General Assembly do not apply to any proceeding for a disconnection for which the court has entered an order of disconnection on or before the effective date of this amendatory Act of the 91st General Assembly. In taking any action upon the petition the findings of the court shall be filed of record in the court.

The fire protection district shall continue in existence and continue to levy and extend taxes upon the remaining portion of the district at the same rate as levied and extended in the year prior to the disconnection, excluding, however, the amount of taxes levied in the prior year for payment of a bonded indebtedness, which tax moneys, after deducting the necessary operating expenses of the fire protection district, shall be paid to the municipality obligated to provide the fire protection service as a consideration for the

providing of such service. The title to all property, assets and equipment of the district is transferred to such municipality and is vested therein, to be held, however, for the same purposes and uses, and subject to the same conditions as before the transfer.

(Source: P.A. 83-343.)

Section 99. Effective date. This Act takes effect upon becoming law."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Cronin, **House Bill No. 2379** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Education, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2379 by replacing everything after the enacting clause with the following:

"Section 5. The School Free Lunch Program Act is amended by changing the title of the Act and Sections 0.01, 1, 2, 3, 4, 5, 6, 7, 8, and 9 and by adding Sections 0.05 and 2.5 as follows:

(105 ILCS 125/Act title)

An Act authorizing school boards and welfare centers to sponsor community school breakfast and lunch programs and free breakfast and lunch programs and authorizing and requiring free school lunch programs, providing for State reimbursement.

(105 ILCS 125/0.01) (from Ch. 122, par. 712.01)

Sec. 0.01. Short title. This Act may be cited as the School Breakfast and ~~Free~~ Lunch Program Act.

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(Source: P.A. 86-1324.)

(105 ILCS 125/0.05 new)

Sec. 0.05. State policy and legislative intent. The General Assembly recognizes that hunger and food security are serious problems in the State of Illinois with as many as one million citizens being affected. These citizens have lost their sense of food security. It is estimated that just under 600,000 Illinois children experience hunger or food insecurity, meaning that they either go without eating meals, or their parents cannot provide the kinds of food they need. Because low-income children are not being adequately nourished, even to the point where many are arriving at school hungry, the General Assembly believes it is in the best interest of Illinois to utilize resources available through existing child nutrition programs, to the fullest extent possible.

The General Assembly also recognizes a definite correlation between adequate child nutrition and a child's physical, emotional, and cognitive development. There is also a correlation between adequate nutrition and a child's ability to perform well in school. In this regard, the General Assembly realizes the importance of the National School Breakfast Program as an effective measure that must be widely implemented to insure more adequate nutrition for Illinois

children.

(105 ILCS 125/1) (from Ch. 122, par. 712.1)

Sec. 1. Definitions. For the purposes of this Act:

"School board" means school principal, directors, board of education and board of school inspectors of public and private schools.

"Welfare center" means an institution not otherwise receiving funds from any governmental agency, serving breakfasts or lunches to children of school age or under, in conformance with the authorized free breakfast program, school breakfast program, free lunch program, or school lunch program.

"Free breakfast program" means those programs through which school boards may supply needy children in their respective districts with free school breakfasts.

"Free lunch program" means those programs through which school boards supply all of the needy children in their respective districts with free school lunches.

"School breakfast program" means a school breakfast program that meets the requirements for school breakfast programs under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

"School lunch program" means a school lunch program that meets the requirements for school lunch programs under the National School Lunch Act (42 U.S.C. 1751 et seq.) ~~the program whereby certain types of lunches called balanced, nutritious lunches adopted as standard types and designated by the State Board of Education, are furnished to students.~~

"Comptroller" means Comptroller of the State of Illinois.

(Source: P.A. 81-1508.)

(105 ILCS 125/2) (from Ch. 122, par. 712.2)

Sec. 2. Reimbursement of sponsors. The State Board of Education is authorized to reimburse school boards and, welfare centers that operate free breakfast programs, school breakfast programs, free lunch programs, or, and other designated sponsors of school lunch programs for a portion of the costs of food served in balanced, nutritious breakfasts or lunches, and served to students ~~in schools operated not for profit~~, in non-profit public or private ~~parochial~~ schools and non-profit welfare centers.

The State Board of Education shall reimburse not less than \$0.15 or the actual cost, whichever is less, to School Boards for each free

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lunch and not less than \$0.15 or the actual cost, whichever is less, for each free breakfast supplied by them. This appropriation shall be in addition to any federal contributions ~~for Free Lunch Programs.~~

(Source: P.A. 83-728.)

(105 ILCS 125/2.5 new)

Sec. 2.5. Breakfast incentive program. The State Board of Education shall fund a breakfast incentive program comprised of the components described in paragraphs (1), (2), and (3) of this Section, provided that a separate appropriation is made for the purposes of this Section. The State Board of Education may allocate the appropriation among the program components in whatever manner the State Board of Education finds will best serve the goal of increasing

participation in school breakfast programs. If the amount of the appropriation allocated under paragraph (1), (2), or (3) of this Section is insufficient to fund all claims submitted under that particular paragraph, the claims under that paragraph shall be prorated.

(1) The State Board of Education may reimburse each sponsor of a school breakfast program an additional \$0.10 for each free, reduced-price, and paid breakfast served over and above the number of such breakfasts served in the same month during the preceding year, provided that the number of breakfasts served by the sponsor in that month is at least 10% greater than the number of breakfasts served in the same month during the preceding year.

(2) The State Board of Education may make grants to school boards and welfare centers that agree to start a school breakfast program in one or more schools or other sites. First priority for these grants shall be given to schools in which 50% or more of their students are eligible for free and reduced price meals under the National School Lunch Act (42 U.S.C. 1751 et seq.). Depending on the availability of funds and the rate at which funds are being utilized, the State Board of Education is authorized to allow additional schools or other sites to receive these grants. In making additional grants, the State Board of Education shall provide for priority to be given to schools with the highest percentage of students eligible for free and reduced price lunches under the National School Lunch Act. The amount of the grant shall be \$3,500 for each qualifying school or site in which a school breakfast program is started. The grants shall be used to pay the start-up costs for the school breakfast program, including equipment, supplies, and program promotion, but shall not be used for food, labor, or other recurring operational costs. Applications for the grants shall be made to the State Board of Education on forms designated by the State Board of Education. Any grantee that fails to operate a school breakfast program for at least 3 years after receipt of a grant shall refund the amount of the grant to the State Board of Education.

(3) The State Board of Education may reimburse a school board for each free, reduced-price, or paid breakfast served in a school breakfast program located in a school in which 80% or more of the students are eligible to receive free or reduced price lunches under the National School Lunch Act (42 U.S.C. 1751 et seq.) in an amount equal to the difference between (i) the current amount reimbursed by the federal government for a free breakfast and (ii) the amount actually reimbursed by the federal government for that free, reduced-price, or paid breakfast. A school board that receives reimbursement under this paragraph (3) shall not be eligible in the same year to receive reimbursement under paragraph (1) of this Section.

(105 ILCS 125/3) (from Ch. 122, par. 712.3)

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Sec. 3. Agreements with sponsors; standardized breakfasts and lunches. The State Board of Education is authorized to enter into agreements with the sponsors of free breakfast programs, school

breakfast programs, free lunch programs, and school lunch programs, and shall prepare a standardized, general list of type breakfasts and lunches, for which the State will reimburse, subject to the provisions of Section 8, the sponsors of such school lunch programs.

The State Board of Education is also authorized to enter into agreements with any governmental agency, school boards, corporations, private individuals, or welfare centers which would permit the distribution or processing of surplus commodities or in any other way tend to improve the school breakfast program or school lunch program. (Source: P.A. 87-420.)

(105 ILCS 125/4) (from Ch. 122, par. 712.4)

Sec. 4. Accounts; copies of menus served; free lunch program required; report. School boards and welfare centers shall keep an accurate, detailed and separate account of all moneys expended for school breakfast programs, school lunch programs, and free breakfast programs, and free lunch programs, and of the amounts for which they are reimbursed by any governmental agency, moneys received from students and from any other contributors to the program. School boards and welfare centers shall also keep on file a copy of all menus served under the programs school lunch program or free breakfast or free lunch program, which together with all records of receipts and disbursements, shall be made available to representatives of the State Board of Education at any time.

Every public school must have a free lunch program ~~in effect by September 1, 1970.~~

In 2001 and in each subsequent year, the State Board of Education shall provide to the Governor and the General Assembly, by a date not later than March 1, a report that provides all of the following:

(1) A list by school district of all schools, the total student enrollment, and the number of children eligible for free, reduced price, and paid breakfasts and lunches.

(2) A list of schools that have started breakfast programs during the past year along with information on which schools have utilized the \$3,500 start-up grants and the additional \$0.10 per meal increased participation incentives established under Section 2.5 of this Act.

(3) A list of schools that have used the school breakfast program option outlined in this Act, a list of schools that have exercised Provision Two or Provision Three under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), and a list of schools that have dropped either school lunch or school breakfast programs during the past year and the reasons why.

In 2001, 2003, and 2005 the report required by this Section shall also include information that documents the results of surveys designed to identify parental interest in school breakfast programs and documents barriers to establishing school breakfast programs. To develop the surveys for school administrators and for parents, the State Board of Education shall work in coordination with the State Board of Education's Child Nutrition Advisory Council and local committees that involve parents, teachers, principals, superintendents, business, and anti-hunger advocates, organized by the State Board of Education to foster community involvement. The State Board of Education is authorized to distribute the surveys in all schools where there are no school breakfast programs.

(Source: P.A. 81-1508.)

(105 ILCS 125/5) (from Ch. 122, par. 712.5)

Sec. 5. Application for participation in programs. Applications

for participation in the school breakfast program, the school lunch program, the free breakfast program, and the free lunch program shall be made on forms provided by the State Board of Education and filed with the State Board, through the Regional Superintendent of Schools. (Source: P.A. 81-1508.)

(105 ILCS 125/6) (from Ch. 122, par. 712.6)

Sec. 6. Disapproval or reduction of reimbursement. The State Board of Education may disapprove any reimbursement if it is found that balanced, nutritious meals are not served in accordance with the prescribed standards.

The State Board of Education may reduce or disapprove the amount of reimbursement if it is found that the total income for the free breakfast program, school breakfast program, free lunch program, or school lunch program exceeds the expenditures therefor.

(Source: P.A. 87-420.)

(105 ILCS 125/7) (from Ch. 122, par. 712.7)

Sec. 7. Disbursement of funds. The funds appropriated shall be paid to school boards and welfare centers in accordance with the reimbursement rates established in Section 2. If the total amount of the claims for reimbursement for any school year exceeds the amount appropriated for that year, the money shall be apportioned to each claimant in an equitable manner based upon meals claimed.

(Source: P.A. 87-420.)

(105 ILCS 125/8) (from Ch. 122, par. 712.8)

Sec. 8. Filing and forwarding claims for reimbursement. School boards and welfare centers shall file claims for reimbursement, on forms provided by the State Board of Education, with the Regional Superintendent of Schools, on a monthly basis as prescribed by the State Board of Education.

The Regional Superintendent of Schools shall sign and forward to the State Board of Education one copy of each such claim filed with him.

(Source: P.A. 87-420.)

(105 ILCS 125/9) (from Ch. 122, par. 712.9)

Sec. 9. Certification and payment of claims. The State Board of Education shall prepare and certify to the State Comptroller at least monthly the amount due each board ~~school district~~ and welfare center, whereupon the Comptroller shall draw his warrants on the State Treasurer for the amounts certified for the various school boards ~~districts~~ and welfare centers.

(Source: P.A. 88-641, eff. 9-9-94.)

Section 99. Effective date. This Act takes effect upon becoming law."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Dudycz, **House Bill No. 2870** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Noland, **House Bill No. 2888** was taken up,

read by title a second time and ordered to a third reading.

On motion of Senator Cronin, **House Bill No. 2940** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Maitland, **House Bill No. 3032** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Transportation, adopted and ordered printed:

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AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 3032 as follows:
by deleting everything after Section 0.01.

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Roskam, **House Bill No. 3180** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cronin, **House Bill No. 3254** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dudycz, **House Bill No. 3312** having been printed, was taken up and read by title a second time.

Senator Dudycz offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 3312 as follows:
on page 1, by replacing lines 1 and 2 with the following:
"AN ACT concerning special license plates."; and
on page 1, below line 4, by inserting the following:
"Section 5. The State Finance Act is amended by adding Section 5.541 as follows:

(30 ILCS 105/5.541 new)

Sec. 5.541. The Organ Donor Awareness Fund."; and
on page 1, line 6, by replacing "Section 3-645" with "Sections 3-645 and 3-646"; and

on page 2, below line 6, by inserting the following:

"(625 ILCS 5/3-646 new)

Sec. 3-646. Organ Donor Awareness license plates.

(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary, may issue special registration plates designated as Organ Donor Awareness license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates is wholly within the discretion of the Secretary, except that the phrase "Be An Organ

Donor" shall be on the plates, and the design of the plates shall incorporate a reference to the Chicago Bears organization and Walter Payton. The Secretary may allow the plates to be issued as vanity plates or personalized under Section 3-405.1 of the Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a \$25 fee for original issuance in addition to the appropriate registration fee. Of this additional fee, \$10 shall be deposited into the Organ Donor Awareness Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs.

For each registration renewal period, a \$25 fee, in addition to the appropriate registration fee, shall be charged. Of this additional fee, \$23 shall be deposited into the Organ Donor Awareness Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Organ Donor Awareness Fund is created as a special fund

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in the State treasury. Subject to appropriation by the General Assembly and approval by the Secretary, 50% of the moneys in the Organ Donor Awareness Fund shall be paid as grants to the Regional Organ Bank of Illinois, and the remaining 50% of the moneys in that fund shall be paid as grants to Mid-America Transplant Services."

The motion prevailed and the amendment was adopted and ordered printed.

Senator Dudycz offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 3312, AS AMENDED, as follows: in Section 10, the introductory clause, by replacing "3-645 and 3-646" with "3-645, 3-646, and 3-647"; and in Section 10, below Sec. 3-646, by inserting the following:

"(625 ILCS 5/3-647 new)

Sec. 3-647. World War II Veteran License Plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue World War II Veteran license plates to residents of Illinois who meet eligibility requirements prescribed by the Secretary of State. The special World War II Veteran plate issued under this Section shall be affixed only to passenger vehicles of the first division and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this

Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant shall be charged a \$15 fee for original issuance in addition to the applicable registration fee. This additional fee shall be deposited into the Secretary of State Special License Plate Fund. For each registration renewal period, a \$2 fee, in addition to the appropriate registration fee, shall be charged and shall be deposited into the Secretary of State Special License Plate Fund."

The motion prevailed and the amendment was adopted and ordered printed.

Floor Amendment No. 3 was held in the Committee on Rules.

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Sieben, **House Bill No. 3435** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Education, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 3435 on page 2, line 1, after "referendum", by inserting ", as limited by the Property Tax

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Extension Limitation Law".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Noland, **House Bill No. 3476** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Transportation, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 3476 as follows:
on page 1, by replacing lines 1 and 2 with the following:
"AN ACT in relation to railroad pedestrian walkways."; and
on page 2, line 22, after "Code.", by inserting the following:
"The Commission shall not order more than \$2,000,000 per year in Grade Crossing Protection Fund moneys for pedestrian walkways."; and
on page 8, below line 18, by inserting the following:

"Section 10. The Illinois Vehicle Code is amended by changing Section 18c-7401 as follows:

(625 ILCS 5/18c-7401) (from Ch. 95 1/2, par. 18c-7401)

Sec. 18c-7401. Safety Requirements for Track, Facilities, and Equipment.

(1) General Requirements. Each rail carrier shall, consistent

with rules, orders, and regulations of the Federal Railroad Administration, construct, maintain, and operate all of its equipment, track, and other property in this State in such a manner as to pose no undue risk to its employees or the person or property of any member of the public.

(2) Adoption of Federal Standards. The track safety standards and accident/incident standards promulgated by the Federal Railroad Administration shall be safety standards of the Commission. The Commission may, in addition, adopt by reference in its regulations other federal railroad safety standards, whether contained in federal statutes or in regulations adopted pursuant to such statutes.

(3) Railroad Crossings. No public road, highway, or street shall hereafter be constructed across the track of any rail carrier at grade, nor shall the track of any rail carrier be constructed across a public road, highway or street at grade, without having first secured the permission of the Commission; provided, that this Section shall not apply to the replacement of lawfully existing roads, highways and tracks. No public pedestrian bridge or subway shall be constructed across the track of any rail carrier without having first secured the permission of the Commission. The Commission shall have the right to refuse its permission or to grant it upon such terms and conditions as it may prescribe. The Commission shall have power to determine and prescribe the manner, including the particular point of crossing, and the terms of installation, operation, maintenance, use and protection of each such crossing.

The Commission shall also have power, after a hearing, to require major alteration of or to abolish any crossing, heretofore or hereafter established, when in its opinion, the public safety requires such alteration or abolition, and, except in cities, villages and incorporated towns of 1,000,000 or more inhabitants, to vacate and close that part of the highway on such crossing altered or abolished and cause barricades to be erected across such highway in such manner as to prevent the use of such crossing as a highway, when, in the opinion of the Commission, the public convenience served by the crossing in question is not such as to justify the further retention thereof; or to require a separation of grades, at

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railroad-highway grade ~~such~~ crossings; or to require a separation of grades at any proposed crossing where a proposed public highway may cross the tracks of any rail carrier or carriers; and to prescribe, after a hearing of the parties, the terms upon which such separations shall be made and the proportion in which the expense of the alteration or abolition of such crossings or the separation of such grades, having regard to the benefits, if any, accruing to the rail carrier or any party in interest, shall be divided between the rail carrier or carriers affected, or between such carrier or carriers and the State, county, municipality or other public authority in interest. However, a public hearing by the Commission to abolish a crossing shall not be required when the public highway authority in interest vacates the highway. In such instance the rail carrier, following notification to the Commission and the highway authority, shall remove any grade crossing warning devices and the grade

crossing surface.

The Commission shall also have power by its order to require the reconstruction, minor alteration, minor relocation or improvement of any crossing (including the necessary highway approaches thereto) of any railroad across any highway or public road, pedestrian bridge, or pedestrian subway, whether such crossing be at grade or by overhead structure or by subway, whenever the Commission finds after a hearing or without a hearing as otherwise provided in this paragraph that such reconstruction, alteration, relocation or improvement is necessary to preserve or promote the safety or convenience of the public or of the employees or passengers of such rail carrier or carriers. By its original order or supplemental orders in such case, the Commission may direct such reconstruction, alteration, relocation, or improvement to be made in such manner and upon such terms and conditions as may be reasonable and necessary and may apportion the cost of such reconstruction, alteration, relocation or improvement and the subsequent maintenance thereof, having regard to the benefits, if any, accruing to the railroad or any party in interest, between the rail carrier or carriers and public utilities affected, or between such carrier or carriers and public utilities and the State, county, municipality or other public authority in interest. The cost to be so apportioned shall include the cost of changes or alterations in the equipment of public utilities affected as well as the cost of the relocation, diversion or establishment of any public highway, made necessary by such reconstruction, alteration, relocation or improvement of said crossing. A hearing shall not be required in those instances when the Commission enters an order confirming a written stipulation in which the Commission, the public highway authority or other public authority in interest, the rail carrier or carriers affected, and in instances involving the use of the Grade Crossing Protection Fund, the Illinois Department of Transportation, agree on the reconstruction, alteration, relocation, or improvement and the subsequent maintenance thereof and the division of costs of such changes of any grade crossing (including the necessary highway approaches thereto) of any railroad across any highway, pedestrian bridge, or pedestrian subway.

Every rail carrier operating in the State of Illinois shall construct and maintain every highway crossing over its tracks within the State so that the roadway at the intersection shall be as flush with the rails as superelevated curves will allow, and, unless otherwise ordered by the Commission, shall construct and maintain the approaches thereto at a grade of not more than 5% within the right of way for a distance of not less the 6 feet on each side of the centerline of such tracks; provided, that the grades at the approaches may be maintained in excess of 5% only when authorized by

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the Commission.

Every rail carrier operating within this State shall remove from its right of way at all railroad-highway grade crossings within the State, such brush, shrubbery, and trees as is reasonably practical for a distance of not less than 500 feet in either direction from each grade crossing. The Commission shall have power, upon its own

motion, or upon complaint, and after having made proper investigation, to require the installation of adequate and appropriate luminous reflective warning signs, luminous flashing signals, crossing gates illuminated at night, or other protective devices in order to promote and safeguard the health and safety of the public. Luminous flashing signal or crossing gate devices installed at grade crossings, which have been approved by the Commission, shall be deemed adequate and appropriate. The Commission shall have authority to determine the number, type, and location of such signs, signals, gates, or other protective devices which, however, shall conform as near as may be with generally recognized national standards, and the Commission shall have authority to prescribe the division of the cost of the installation and subsequent maintenance of such signs, signals, gates, or other protective devices between the rail carrier or carriers, the public highway authority or other public authority in interest, and in instances involving the use of the Grade Crossing Protection Fund, the Illinois Department of Transportation.

No railroad may change or modify the warning device system at a railroad-highway grade crossing, including warning systems interconnected with highway traffic control signals, without having first received the approval of the Commission. The Commission shall have the further power, upon application, upon its own motion, or upon complaint and after having made proper investigation, to require the interconnection of grade crossing warning devices with traffic control signals at highway intersections located at or near railroad crossings within the distances described by the State Manual on Uniform Traffic Control Devices adopted pursuant to Section 11-301 of this Code. In addition, State and local authorities may not install, remove, modernize, or otherwise modify traffic control signals at a highway intersection that is interconnected or proposed to be interconnected with grade crossing warning devices when the change affects the number, type, or location of traffic control devices on the track approach leg or legs of the intersection or the timing of the railroad preemption sequence of operation until the Commission has approved the installation, removal, modernization, or modification. Commission approval shall be limited to consideration of issues directly affecting the public safety at the railroad-highway grade crossing. The electrical circuit devices, alternate warning devices, and preemption sequences shall conform as nearly as possible, considering the particular characteristics of the crossing and intersection area, to the State manual adopted by the Illinois Department of Transportation pursuant to Section 11-301 of this Code and such federal standards as are made applicable by subsection (2) of this Section. In order to carry out this authority, the Commission shall have the authority to determine the number, type, and location of traffic control devices on the track approach leg or legs of the intersection and the timing of the railroad preemption sequence of operation. The Commission shall prescribe the division of costs for installation and maintenance of all devices required by this paragraph between the railroad or railroads and the highway authority in interest and in instances involving the use of the Grade Crossing Protection Fund or a State highway, the Illinois Department of Transportation.

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Any person who unlawfully or maliciously removes, throws down, damages or defaces any sign, signal, gate or other protective device, located at or near any public grade crossing, shall be guilty of a petty offense and fined not less than \$50 nor more than \$200 for each offense. In addition to fines levied under the provisions of this Section a person adjudged guilty hereunder may also be directed to make restitution for the costs of repair or replacement, or both, necessitated by his misconduct.

It is the public policy of the State of Illinois to enhance public safety by establishing safe grade crossings. In order to implement this policy, the Illinois Commerce Commission is directed to conduct public hearings and to adopt specific criteria by July 1, 1994, that shall be adhered to by the Illinois Commerce Commission in determining if a grade crossing should be opened or abolished. The following factors shall be considered by the Illinois Commerce Commission in developing the specific criteria for opening and abolishing grade crossings:

- (a) timetable speed of passenger trains;
- (b) distance to an alternate crossing;
- (c) accident history for the last 5 years;
- (d) number of vehicular traffic and posted speed limits;
- (e) number of freight trains and their timetable speeds;
- (f) the type of warning device present at the grade crossing;
- (g) alignments of the roadway and railroad, and the angle of intersection of those alignments;
- (h) use of the grade crossing by trucks carrying hazardous materials, vehicles carrying passengers for hire, and school buses; and
- (i) use of the grade crossing by emergency vehicles.

The Illinois Commerce Commission, upon petition to open or abolish a grade crossing, shall enter an order opening or abolishing the crossing if it meets the specific criteria adopted by the Commission.

Except as otherwise provided in this subsection (3), in no instance shall a grade crossing be permanently closed without public hearing first being held and notice of such hearing being published in an area newspaper of local general circulation.

(4) Freight Trains - Radio Communications. The Commission shall after hearing and order require that every main line railroad freight train operating on main tracks outside of yard limits within this State shall be equipped with a radio communication system. The Commission after notice and hearing may grant exemptions from the requirements of this Section as to secondary and branch lines.

(5) Railroad Bridges and Trestles - Walkway and Handrail. In cases in which the Commission finds the same to be practical and necessary for safety of railroad employees, bridges and trestles, over and upon which railroad trains are operated, shall include as a part thereof, a safe and suitable walkway and handrail on one side only of such bridge or trestle, and such handrail shall be located at the outer edge of the walkway and shall provide a clearance of not less than 8 feet, 6 inches, from the center line of the nearest track, measured at right angles thereto.

(6) Packages Containing Articles for First Aid to Injured on

Trains. All rail carriers shall provide a package containing the articles prescribed by the Commission, on each train or engine, for first aid to persons who may be injured in the course of the operation of such trains.

(7) Abandoned Bridges, Crossings, and Other Rail Plant. The Commission shall have authority, after notice and hearing, to order:

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(a) The removal of any abandoned railroad tracks from roads, streets or other thoroughfares in this State; and

(b) The removal of abandoned overhead railroad structures crossing highways, waterways, or railroads.

The Commission may equitably apportion the cost of such actions between the rail carrier or carriers, public utilities, and the State, county, municipality, township, road district, or other public authority in interest.

(8) Railroad-Highway Bridge Clearance. A vertical clearance of not less than 23 feet above the top of rail shall be provided for all new or reconstructed highway bridges constructed over a railroad track. The Commission may permit a lesser clearance if it determines that the 23 foot clearance standard cannot be justified based on engineering, operational, and economic conditions.

(Source: P.A. 89-699, eff. 1-16-97; 90-691, eff. 1-1-99.)".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Dudycz, **House Bill No. 3478** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Environment and Energy, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 3478 by replacing everything after the enacting clause with the following:

"Section 5. The Gasoline Storage Act is amended by changing Section 2 as follows:

(430 ILCS 15/2) (from Ch. 127 1/2, par. 154)

Sec. 2. Jurisdiction; regulation of tanks.

(1) (a) Except as otherwise provided in this Act, the jurisdiction of the Office of the State Fire Marshal under this Act shall be concurrent with that of municipalities and other political subdivisions. The Office of the State Fire Marshal has power to promulgate, pursuant to the Illinois Administrative Procedure Act, reasonable rules and regulations governing the keeping, storage, transportation, sale or use of gasoline and volatile oils, including rules requiring that underground storage tank contractors file a bond or a certificate of insurance with the State Fire Marshal, and rules governing the dismantling of abandoned bulk storage plants. Nothing in this Act shall relieve any person, corporation, or other entity from complying with any zoning ordinance of a municipality or home rule unit enacted pursuant to Section 11-13-1 of the Illinois Municipal Code or any ordinance enacted pursuant to Section 11-8-4 of

the Illinois Municipal Code.

(b) The rulemaking power shall include the power to promulgate rules providing for the issuance and revocation of permits allowing the self service dispensing of motor fuels as such term is defined in the Motor Fuel Tax Law in retail service stations or any other place of business where motor fuels are dispensed into the fuel tanks of motor vehicles, internal combustion engines or portable containers. Such rules shall specify the requirements that must be met both prior and subsequent to the issuance of such permits in order to insure the safety and welfare of the general public. The operation of such service stations without a permit shall be unlawful. The Office of the State Fire Marshal shall revoke such permit if the self service operation of such a service station is found to pose a significant risk to the safety and welfare of the general public.

(c) However, except in any county with a population of 1,000,000

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or more, the Office of the State Fire Marshal shall not have the authority to prohibit the operation of a service station solely on the basis that it is an unattended self-service station which utilizes key or card operated self-service motor fuel dispensing devices. Nothing in this paragraph shall prohibit the Office of the State Fire Marshal from adopting reasonable rules and regulations governing the safety of self-service motor fuel dispensing devices.

(d) The State Fire Marshal shall not prohibit the dispensing or delivery of flammable or combustible motor vehicle fuels directly into the fuel tanks of vehicles from tank trucks, tank wagons, or other portable tanks. The State Fire Marshal shall adopt rules (i) for the issuance of permits for the dispensing of motor vehicle fuels in the manner described in this paragraph (d), (ii) that establish fees for permits and inspections, and provide for those fees to be deposited into the Fire Prevention Fund, (iii) that require the dispensing of motor fuel in the manner described in this paragraph (d) to meet conditions consistent with nationally recognized standards such as those of the National Fire Protection Association, and (iv) that restrict the dispensing of motor vehicle fuels in the manner described in this paragraph (d) to the following:

(A) agriculture sites for agricultural purposes,

(B) construction sites for refueling construction equipment used at the construction site,

(C) sites used for the parking, operation, or maintenance of a commercial vehicle fleet, but only if the site is located in a county with 3,000,000 or more inhabitants or a county contiguous to a county with 3,000,000 or more inhabitants and the site is not normally accessible to the public, and

(D) sites used for the refueling of police, fire, or emergency medical services vehicles or other vehicles that are owned, leased, or operated by (or operated under contract with) the State, a unit of local government, or a school district, or any agency of the State and that are not normally accessible to the public.

(2) (a) The Office of the State Fire Marshal shall adopt rules and regulations regarding underground storage tanks and associated

pipng and no municipality or other political subdivision shall adopt or enforce any ordinances or regulations regarding such underground tanks and piping other than those which are identical to the rules and regulations of the Office of the State Fire Marshal. It is declared to be the law of this State, pursuant to paragraphs (h) and (i) of Section 6 of Article VII of the Illinois Constitution, that the establishment and enforcement of standards regarding underground storage tanks and associated piping within the jurisdiction of the Office of the State Fire Marshal is an exclusive State function which may not be exercised concurrently by a home rule unit except as expressly permitted in this Act.

(b) The Office of the State Fire Marshal may enter into written contracts with municipalities of over 500,000 in population to enforce the rules and regulations adopted under this subsection.

(3) (a) The Office of the State Fire Marshal shall have authority over underground storage tanks which contain, have contained, or are designed to contain petroleum, hazardous substances and regulated substances as those terms are used in Subtitle I of the Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616), as amended by the Superfund Amendments and Reauthorization Act of 1986 (P.L. 99-499). The Office shall have the power with regard to underground storage tanks to require any person who tests, installs, repairs, replaces, relines, or removes any underground storage tank system containing, formerly containing, or which is designed to

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contain petroleum or other regulated substances to be certified to perform that activity, to obtain a permit to install, repair, replace, reline, or remove the particular tank system, to pay an annual certification fee of \$100 per year, and to pay a fee of \$100 per site for a permit to install, repair, replace, reline, or remove any underground storage tank system. All persons who do repairs above grade level for themselves need not pay a fee or be certified. All fees received by the Office from certification and permits shall be deposited in the Fire Prevention Fund for the exclusive use of the Office in administering the Underground Storage Tank program.

(b) (i) Within 120 days after the promulgation of regulations or amendments thereto by the Administrator of the United States Environmental Protection Agency to implement Section 9003 of Subtitle I of the Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616) of the Resource Conservation and Recovery Act of 1976 (P.L. 95-580), as amended, the Office of the State Fire Marshal shall adopt regulations or amendments thereto which are identical in substance. The rulemaking provisions of Section 5-35 of the Illinois Administrative Procedure Act shall not apply to regulations or amendments thereto adopted pursuant to this subparagraph (i).

(ii) The Office of the State Fire Marshal may adopt additional regulations relating to an underground storage tank program that are not inconsistent with and at least as stringent as Section 9003 of Subtitle I of the Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616) of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580), as amended, or regulations adopted thereunder. Except as provided otherwise in subparagraph (i) of this paragraph (b), the

Office of the State Fire Marshal shall not adopt regulations relating to corrective action at underground storage tanks. Regulations adopted pursuant to this subsection shall be adopted in accordance with the procedures for rulemaking in Section 5-35 of the Illinois Administrative Procedure Act.

(c) The Office of the State Fire Marshal shall require any person, corporation or other entity who tests an underground tank or its piping or cathodic protection for another, except a lessor for his or her lessee, to register with the Office, and pay an annual registration fee of \$100, to be deposited in the Fire Prevention Fund, and report the results of such test to the Office.

(d) In accordance with constitutional limitations, the Office shall have authority to enter at all reasonable times upon any private or public property for the purpose of:

(i) Inspecting and investigating to ascertain possible violations of this Act, of regulations thereunder or of permits or terms or conditions thereof; or

(ii) In accordance with the provisions of this Act, taking whatever emergency action, that is necessary or appropriate, to assure that the public health or safety is not threatened whenever there is a release or a substantial threat of a release of petroleum or a regulated substance from an underground storage tank.

(e) The Office of the State Fire Marshal may issue an Administrative Order to any person who it reasonably believes has violated the rules and regulations governing underground storage tanks, including the installation, repair, leak detection, cathodic protection tank testing, removal or release notification. Such an order shall be served by registered or certified mail or in person. Any person served with such an order may appeal such order by submitting in writing any such appeal to the Office within 10 days of the date of receipt of such order. The Office shall conduct an administrative hearing governed by the Illinois Administrative

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Procedure Act and enter an order to sustain, modify or revoke such order. Any appeal from such order shall be to the circuit court of the county in which the violation took place and shall be governed by the Administrative Review Law.

(f) The Office of the State Fire Marshal shall not require the removal of an underground tank system taken out of operation before January 2, 1974, except in the case in which the office of the State Fire Marshal has determined that a release from the underground tank system poses a current or potential threat to human health and the environment. In that case, and upon receipt of an Order from the Office of the State Fire Marshal, the owner or operator of the nonoperational underground tank system shall assess the excavation zone and close the system in accordance with regulations promulgated by the Office of the State Fire Marshal.

(4) (a) The Office of the State Fire Marshal shall adopt rules and regulations regarding aboveground storage tanks and associated piping and no municipality or other political subdivision shall adopt or enforce any ordinances or regulations regarding such aboveground

tanks and piping other than those which are identical to the rules and regulations of the Office of the State Fire Marshal unless, in the interest of fire safety, the Office of the State Fire Marshal delegates such authority to municipalities, political subdivisions or home rule units. It is declared to be the law of this State, pursuant to paragraphs (h) and (i) of Section 6 of Article VII of the Illinois Constitution, that the establishment of standards regarding aboveground storage tanks and associated piping within the jurisdiction of the Office of the State Fire Marshal is an exclusive State function which may not be exercised concurrently by a home rule unit except as expressly permitted in this Act.

(b) The Office of the State Fire Marshal shall enforce its rules and regulations concerning aboveground storage tanks and associated piping; however, municipalities may enforce any of their zoning ordinances or zoning regulations regarding aboveground tanks. The Office of the State Fire Marshal may issue an administrative order to any owner of an aboveground storage tank and associated piping it reasonably believes to be in violation of such rules and regulations to remedy or remove any such violation. Such an order shall be served by registered or certified mail or in person. Any person served with such an order may appeal such order by submitting in writing any such appeal to the Office within 10 days of the date of receipt of such order. The Office shall conduct an administrative hearing governed by the Illinois Administrative Procedure Act and enter an order to sustain, modify or revoke such order. Any appeal from such order shall be to the circuit court of the county in which the violation took place and shall be governed by the Administrative Review Law.

(Source: P.A. 88-45; 89-161, eff. 7-19-95.)".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Maitland, **House Bill No. 3621** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sieben, **House Bill No. 3881** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **House Bill No. 4047** was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Sullivan, **House Bill No. 4097** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 4097 on page 5, line 10 by inserting after "parole" the following:
"or mandatory supervised release".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Maitland, **House Bill No. 4231** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **House Bill No. 4357** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Appropriations, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 4357 by deleting everything after the enacting clause and inserting in lieu thereof the following:

"Section 5. The sum of \$1, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Drycleaner Environmental Response Trust Fund Council for ordinary and contingent expenses.

Section 99. Effective Date. This Act takes effect on July 1, 2000."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Maitland, **House Bill No. 4374** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **House Bill No. 4435** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Appropriations, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 4435 by deleting everything after the enacting clause and inserting in lieu thereof the following:

"Section 5. The sum of \$1, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Commission on Intergovernmental Cooperation for ordinary and contingent expenses.

Section 99. Effective Date. This Act takes effect on July 1, 2000."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Rauschenberger, **House Bill No. 4437** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on

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Appropriations, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 4437 by deleting everything after the enacting clause and inserting in lieu thereof the following:

"Section 5. The sum of \$1, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Legislative Information System for ordinary and contingent expenses.

Section 99. Effective Date. This Act takes effect on July 1, 2000."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Rauschenberger, **House Bill No. 4438** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Appropriations, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 4438 by deleting everything after the enacting clause and inserting in lieu thereof the following:

"Section 5. The sum of \$1, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Economic and Fiscal Commission for ordinary and contingent expenses.

Section 99. Effective Date. This Act takes effect on July 1, 2000."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Rauschenberger, **House Bill No. 4439** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Appropriations, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 4439 by deleting everything after the enacting clause and inserting in lieu thereof the following:

"Section 5. The sum of \$1, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Legislative Audit Commission for ordinary and contingent expenses.

Section 99. Effective Date. This Act takes effect on July 1, 2000."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Rauschenberger, **House Bill No. 4440** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Appropriations, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 4440 by deleting everything after the enacting clause and inserting in lieu thereof the following:

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"Section 5. The sum of \$1, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Legislative Reference Bureau for ordinary and contingent expenses.

Section 99. Effective Date. This Act takes effect on July 1, 2000."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Rauschenberger, **House Bill No. 4441** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Appropriations, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 4441 by deleting everything after the enacting clause and inserting in lieu thereof the following:

"Section 5. The sum of \$1, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Joint Committee on Administrative Rules for ordinary and contingent expenses.

Section 99. Effective Date. This Act takes effect on July 1, 2000."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Rauschenberger, **House Bill No. 4442** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Appropriations, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 4442 by deleting everything after the enacting clause and inserting in lieu thereof the following:

"Section 5. The sum of \$1, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Legislative Printing Unit for ordinary and contingent expenses.

Section 99. Effective Date. This Act takes effect on July 1, 2000."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Rauschenberger, **House Bill No. 4443** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Appropriations, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 4443 by deleting everything after the enacting clause and inserting in lieu thereof the following:

"Section 5. The sum of \$1, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Pension Laws Commission for ordinary and contingent expenses.

Section 99. Effective Date. This Act takes effect on July 1, 2000."

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There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Rauschenberger, **House Bill No. 4444** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Appropriations, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 4444 by deleting everything after the enacting clause and inserting in lieu thereof the following:

"Section 5. The sum of \$1, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Legislative Research Unit for ordinary and contingent expenses.

Section 99. Effective Date. This Act takes effect on July 1, 2000."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Rauschenberger, **House Bill No. 4447** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **House Bill No. 4564** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **House Bill No. 4572** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **House Bill No. 4573** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **House Bill No. 4576** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, **House Bill No. 4582** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, **House Bill No. 4583** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, **House Bill No. 4584** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Maitland, **House Bill No. 4587** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **House Bill No. 4588** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Petka, **House Bill No. 4593** was taken up, read by title a second time and ordered to a third reading.

At the hour of 12:50 o'clock p.m., the Chair announced that the Senate stand at recess until 1:30 o'clock p.m.

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At the hour of 2:03 o'clock p.m., the Senate resumed consideration of business.

Senator Donahue, presiding.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1682

A bill for AN ACT concerning sales and use taxes.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1682

Passed the House, as amended, March 30, 2000.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1682

AMENDMENT NO. 1. Amend Senate Bill 1682 by deleting lines 11 through 30 on page 4 and lines 1 through 32 on page 5.

Under the rules, the foregoing **Senate Bill No. 1682**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO 810

A bill for AN ACT to amend the Illinois Income Tax Act by adding Section 210.5.

SENATE BILL NO 1241

A bill for AN ACT to amend the Illinois Vehicle Code.

SENATE BILL NO 1288

A bill for AN ACT concerning liquefied petroleum gas.

SENATE BILL NO 1291

A bill for AN ACT to amend the Department of Transportation Law of the Civil Administrative Code of Illinois by changing Section 2705-555.

SENATE BILL NO 1323

A bill for AN ACT to amend the Illinois Dental Practice Act.

SENATE BILL NO 1442

A bill for AN ACT to amend the Clerks of Courts Act by changing Section 27.2a.

SENATE BILL NO 1589

A bill for AN ACT to amend the Board of Higher Education Act by changing Section 9.24.

SENATE BILL NO 1613

A bill for AN ACT concerning the care of Alzheimer's disease patients.

SENATE BILL NO 1648

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A bill for AN ACT in relation to environmental protection.

SENATE BILL NO 1651

A bill for AN ACT in relation to the finances of the Capital Development Board.

SENATE BILL NO 1695

A bill for AN ACT to amend the Illinois Controlled Substances Act by changing Section 401.5.

SENATE BILL NO 1861

A bill for AN ACT concerned with driving while under the influence of alcohol or other drugs.

SENATE BILL NO 1862

A bill for AN ACT to amend the State Treasurer Act by changing Section 16.5.

Passed the House, March 30, 2000.

ANTHONY D. ROSSI, Clerk of the House

PRESENTATION OF RESOLUTION

SENATE RESOLUTION NO. 336

Offered by Senator Noland and all Senators:
Mourns the death of Craig E. Milligan of Decatur.

The foregoing resolution was referred to the Resolutions Consent Calendar.

READING CONSTITUTIONAL AMENDMENT A THIRD TIME

On motion of Senator Lauzen, **Senate Joint Resolution Constitutional Amendment No. 18**, having been printed, was taken up and read in full a third time.

Pending roll call on motion of Senator Lauzen, further consideration of **Senate Joint Resolution Constitutional Amendment No. 18** was postponed.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Radogno, **House Bill No. 182** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue

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Dudycz
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link

Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Maitland
Mitchell
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

On motion of Senator Radogno, **House Bill No. 477** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

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The following voted in the affirmative:

Bomke

Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpier
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Maitland
Mitchell
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Radogno, **House Bill No. 478** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpier
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Maitland
Mitchell
Molaro
Munoz
Myers
Noland
Obama
O'Daniel

O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid

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Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Noland, **House Bill No. 2909** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz

Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpier
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Maitland
Mitchell
Molaro

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Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives

thereof.

On motion of Senator Syverson, **House Bill No. 2965** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Halvorson
Hawkinson
Hendon
Jacobs

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Jones, E.
Jones, W.
Karpel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Maitland
Mitchell
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno

Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Karpel, **House Bill No. 2977** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 57; Nays None.

The following voted in the affirmative:

Bomke
Bowles

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Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Donahue
Dudycz
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.

Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Maitland
Mitchell
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives

[Mar. 30, 2000]

thereof.

On motion of Senator T. Walsh, **House Bill No. 3037** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Maitland
Mitchell
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan

[Mar. 30, 2000]

Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator R. Madigan, **House Bill No. 3046** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Maitland
Mitchell

Molaro
Munoz
Myers
Noland
Obama
O'Daniel

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O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Bomke, **House Bill No. 3132** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 55; Nays 1; Present 2.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton

DeLeo
del Valle
Dillard
Donahue
Dudycz
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Karpiel
Klemm
Lauzen
Lightford
Link

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Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Maitland
Mitchell
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Mr. President

The following voted in the negative:

Jones, W.

The following voted present:

Demuzio

Shadid

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator L. Walsh, **House Bill No. 3256** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

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Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar

Maitland
Mitchell
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Mr. President

This bill, having received the vote of a constitutional majority

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of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Radogno, **House Bill No. 3260** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski

Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpier
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Maitland
Mitchell
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw

[Mar. 30, 2000]

Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.

Watson
Weaver
Welch
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator T. Walsh, **House Bill No. 3431** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 57; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Maitland
Mitchell
Molaro
Munoz

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Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

INTRODUCTION OF A BILL

SENATE BILL NO. 1955. Introduced by Senator O'Malley, a bill for AN ACT concerning insurance coverage relating to mastectomies and mammograms.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

At the hour of 3:02 o'clock p.m., on motion of Senator Weaver, the Senate stood adjourned until Friday, March 31, 2000 at 10:00 o'clock a.m.

[Mar. 30, 2000]